



National Crime Prevention and Privacy Compact
COMPACT COUNCIL MEETING
SCOTTSDALE, ARIZONA
MAY 8-9, 2002

MINUTES

The meeting of the Compact Council was called to order at 9:00 a.m. on May 8, 2002, in the Grand Ballroom of the Renaissance Scottsdale Resort, Scottsdale, Arizona, by Compact Council Chairman Wilbur Rehmann. In Chairman Rehmann's opening remarks, he noted that the Council had a very productive year. Since the January meeting, three states had passed the Compact; New Jersey, Minnesota and most recently Arizona, bringing the total number of Compact signatories up to 16. Chairman Rehmann mentioned that he and FBI Compact Officer Cathy Morrison made a presentation to the National Governor's Association and answered questions regarding the Compact. A representative from the National Conference of State Legislatures (NCSL) attending this meeting voiced interest in getting NCSL involved in educating states on the Compact. Chairman Rehmann was optimistic on gaining support and passage of the Compact in the future.

Ms. Cathy Morrison, Interim FBI Compact Officer, called roll of the Compact Council members. The following Compact Council members, or their proxies, were in attendance.

State Compact Officers:

- Mr. Rusty Featherstone, Oklahoma State Bureau of Investigation
- Lt. Col. Jeff Harmon, Maine State Police
- Mr. Paul Heppner, Georgia Bureau of Investigation
- Mr. Wilbur Rehmann, Montana Department of Justice
- Ms. Martha Wright, (proxy for Ms. Donna Uzzell, Florida Department of Law Enforcement)
- Mr. Terrance Hoil, Iowa Division of Criminal Investigation
- Major Mark Huguley, South Carolina Law Enforcement Division
- Lt. Col. Marjorie Kolpa, Connecticut State Police
- Ms. Diane Schenker, Alaska Department of Public Safety

State/Local Criminal Justice Agency Representative:

- Lt. Clifford Daimler, Oregon State Police

Federal Noncriminal Justice Agency Representative:

- Ms. Kathy Dillaman, Office of Personnel Management

Advisory Policy Board Representative:

- Mr. William Casey, Boston Police Department

Federal Bureau of Investigation:

- Mr. Michael Kirkpatrick, FBI, CJIS Division

Meeting attendees in the gallery introduced themselves and the agency they represented (See Attachment 1).

The first item of business was the approval of the minutes from the January 2002 meeting. A clerical error was noted in the draft minutes on the attachment numbering. This would be corrected by changing the second attachment referenced as "8" to "Attachment 9".

Compact Council Action: *Mr. Bill Casey made a motion to approve the January 2002 minutes with clarification. The motion was seconded by Mr. Rusty Featherstone. Motion carried.*

Topic #1 **Status Report on the Memorandum of Understanding (MOU) with Nonparty States**

Chairman Rehmann mentioned that considerable effort had been devoted to the concept of using the business practice of an MOU, and the crafting the MOU language which would enable the Council, the FBI, and nonparty states to voluntarily recognize or affirm the applicability of rules and procedures adopted by the Council (see Attachment 2). This was an attempt to clarify a states willingness to participate or take advantage of the rules or procedures and recognizing such by signing an MOU. The MOU does not bind the nonparty state to anything except Council rules, adopted and published, regarding procedures and standards for the noncriminal justice use of the Interstate Identification Index (III). This MOU would not supercede the need for states to adopt compact legislation which provides the authority for interstate dissemination of criminal history record information. The MOU does not require the states to participate in the National Fingerprint File or participate in the Interstate Identification Index (III). The MOU would provide the mechanism for one set of rules and procedures for both party and nonparty states.

Compact Council Action: *Lt. Col. Harmon made a motion to adopt the Memorandum of Understanding and authorize the Chair to enter into discussions with nonparty states regarding entering into MOUs between the Compact Council and nonparty states. The motion was seconded by Mr. Rusty Featherstone.*

Members of the Council agreed to adopting the MOU; however, questions arose as to whether or not the Department of Justice should review the MOU before it is adopted (See Attachment 3 for a copy of the draft MOU). Mr. Frank Campbell, Department of Justice (DOJ), indicated that one of the roles the DOJ wants to perform is to provide substantive suggestions which are useful and may add value to the Council's final work product. He indicated DOJ's willingness to review the document in question and provide both technical and substantive comments as applicable.

Compact Council Action: *Major Mark Huguley made a motion to table the motion until DOJ has completed a cursory and initial review of the MOU. This topic will be brought up later on in the meeting and further action will be taken at that time. The motion was seconded by Mr. Terry Hoil. The motion carried.*

Mr. Frank Campbell, Department of Justice, reported that he faxed the MOU to the Office of Legal Counsel (OLC). It was noted that OLC wouldn't be able to provide a quick turn around of one day on the MOU. He said that the OLC needed to complete an in-depth review of the MOU and was optimistic that this would be worked out within a couple of weeks.

Please note the following discussion continued on May 9, 2002.

Council members commented the MOU was a good step forward and were anxious to reach an equitable solution. A general concern was raised that the Council should be abundantly cautious in the language exercised in the MOU, such that it would not diminish the Council's position in the future. The thought of adding a "savings clause" was considered by Council members in order to assure the intent and integrity of the agreement (MOU) would not compromise the Council's authority. The following language was suggested for inclusion in the MOU:

“... and WHEREAS the Compact Council believes that certain provisions of the Compact and rules established by the Council pursuant to those provisions are applicable in non-Compact states in the absence of signed agreements by those states; and

WHEREAS the Compact Council prefers to obtain such signed agreements so that all non-compact states are fully aware of the effect of the Compact has on them and voluntarily agree to be bound by applicable Compact provisions and related Compact provisions and related Compact Council rules;”

Mr. Bill Casey expressed opposition to including the suggested language in the MOU. Mr. Mike Kirkpatrick spoke against including the first clause, indicating this language could be interpreted as opinion, not factual. Further, the language might dissuade states from entering into the MOU.

The Council agreed that the jurisdiction issue might be best left unaddressed. The language in the draft MOU does not appear to weaken or take away from the Council position of authority, nor does the addition of a savings clause unconditionally offer protection or immunity from being challenged.

Compact Council Action: Mr. Bill Casey made a motion to accept the MOU as written without the amendments. The motion was seconded by Mr. Michael Kirkpatrick.

In light of the Council's previous request to have DOJ provide input into the MOU, the motion was amended to read as follows:

Compact Council Action: Mr. Bill Casey made the following motion: That, the Compact Council approve the proposed MOU and authorize the Chair to enter into discussions with nonparty states relative to the execution of the MOU effective 7/1/02. Further, that the adoption of the MOU and extension of

authority to the Chair be contingent upon receipt of notice from the Department of Justice that no substantive modification of the MOU is recommended. If the Department of Justice fails to provide notice by 7/1/02, the Council's action would be effective. If the Department of Justice provides notice that substantive changes are recommended, the Council's action would not be effective and the proposed MOU with recommended changes would be reviewed at the next Council meeting. The motion was seconded by Mr. Michael Kirkpatrick. The motion carried.

Topic #2 Delayed Fingerprint Submission Time Frame

Chairman Rehmann reported that the Immigration and Naturalization Service (INS) had submitted a request to conduct a III name check in exigent circumstances when a child was placed with a temporary caregiver. Additionally, several states had requested the Council to reconsider the time frame for the submission of fingerprints as follow up to the name check. The Council was requested to review the INS, Florida, New Jersey, and Alaska requests as outlined in the submitted letters and to discuss the possibility of extending the five-day time frame (See Attachments 4, 5, 6 and 7 for a copy of the INS , Florida, New Jersey, and Alaska letters).

In regards to the INS request, Lt. Col. Harmon indicated that the current Council rule does not appear to differentiate between “state and federal” activity. Mr. Danny Moye, FBI CJIS Division, said that INS was requesting that the word "state" be interpreted to include federal agencies. The Council generally agreed with the INS request to conduct such checks; however, it was unclear if the Council should proceed by an interpretation on the intent of the rule or to amend the language in the rule. Concerns were brought up as to how the word "state" could be interpreted to include federal agency, as the Compact itself includes the definition of “state”. Further the rule requires an approved Public Law 92-544 statute as a precondition for use of name checks in exigent circumstances. In the instance of the INS, a federal statute would be the enabling authority to conduct the background check. CJIS staff was asked to draft language which could be incorporated into the rule to enable the INS to conduct the preliminary name checks prior to the submission of fingerprints.

The Council discussed the time frame for submitting fingerprints under exigent circumstances and the rationale and supporting purpose of the rule to provide a grace period for acquiring the fingerprints in exigent circumstances. The name check provided some assurance of temporarily placing the child in a safe environment, and thereby protecting the child from further harm. The five day grace period for the submission of fingerprints was agreed upon solely due to the nature of the emergency circumstances. The Council generally agreed that a state must submit a compelling reason for extending the time frame beyond the current allowance. Administrative difficulties within the state would not be considered as sufficient justification to grant an extension. If New Jersey, Florida, and Alaska wished to continue discussions on the submission timeframe, each state should prepare a case and proposal for the next Council meeting in the fall.

The Council also discussed what the word "*submitted*" meant in the 28 CFR Chapter 9 which states: "Upon approval of the application by the Compact Council, the authorized agency

may conduct a III name check pending the submission of the fingerprints. The fingerprints must be submitted with the time frame specified by the Compact Council". Council members discussed if the word *submitted* meant the timeframe in which fingerprints had to be (1) forwarded to the state repository; (2) received by the state repository, or (3) forwarded to the FBI by the state repository.

Compact Council Action: *Lt. Col. Jeff Harmon made a motion to interpret the rule under Chapter 9, Section 901.3 in that the word "submitted" is interpreted by the Council to mean submitted to the FBI CJIS Division by the state repository. The motion was seconded by Mr. Rusty Featherstone. The motion carried.*

CJIS staff was tasked with drafting language to enable INS to conduct the preliminary name checks, in addition to clarifying the interpretation of the meaning of submission of fingerprints.

Topic #3 DOJ Comments on Dispute Adjudication Rule

Mr. Danny Moye, FBI CJIS Access and Integrity Unit, presented comments from the Department of Justice's Office of Legal Counsel (OLC) on the Dispute Adjudication Rule. OLC's suggested additions/changes are shown in bold italics and strikeout (See Attachment 8 for suggested changes to the Dispute Adjudication Rule).

Council members questioned suggested language which appeared to change the provisions on rights of appeal. The Council's intent originally was to limit others right of appeal, and prohibit clearly frivolous issues from being appealed to the Attorney General or Federal Court. In crafting a rule, which allowed disagreement on the merits of a rule, the Attorney General and Federal Court could end up interpreting issues which were policy issues. It would seem reasonable that disputes and the rights of appeal should be limited to either procedural or substantive legal rights issues.

Further, a reference in the rule to reserve a right for appeal by the FBI and Party States as provided for in Compact Article XI (c) would be unnecessary.

Compact Council Action: *Lt. Col. Jeff Harmon made a motion to adopt the Dispute Adjudication Rule with the recommended changes except for specific portions of the suggested language in Section 902.2. The language "or precludes the exercise of any right provided under Article XI of the Compact" shall be removed. The motion was seconded by Mr. Rusty Featherstone. The motion carried.*

Next the Council considered the OLC suggestion that the Committee membership and composition be defined. It was concluded that the committee membership be odd in number.

Compact Council Action: *Mr. Bill Casey made a motion that the Dispute Adjudication Committee will be a standing committee comprised of five*

members. The motion was seconded by Mr. Rusty Featherstone. The motion carried.

Topic #4 Standards Committee Report on Impediments to the NFF and Further Participation in the NFF

Lt. Col. Jeff Harmon, Standards Committee Chairman, presented the following report: On February 26-27, 2002, the Compact Council Standards Committee met at the Criminal Justice Information Services (CJIS) Division in Clarksburg, West Virginia. The Committee met at CJIS to facilitate discussions between the appropriate Compact state representatives, CJIS technical, policy and operation subject matter experts, members of the Identification Services Subcommittee and a representative from the National Law Enforcement Telecommunications Systems, Inc. (NLETS). The Standards Committee surmised that information on impediments to the National Fingerprint File (NFF) would be valuable to Compact states anticipating joining the NFF program. The Standards Committee requested information on the processes in place at CJIS for handling NFF responses, the vision or the original concept of the NFF, current day implementation of the NFF, and a cost benefits analysis to include the overall cost savings realized from NFF participation.

Lt. Col. Harmon next reported on the Standards Committee findings (See Attachment 9 for summary). One impediment to NFF is a delayed response time experienced when CJIS retrieves the NFF rap sheet and forwards it via the US Mail to the contributor. Currently analysis is underway to identify a possible means to append the NFF state rap sheet to the FBI rap sheet data and forward it over the CJIS Wide Area Network. Mr. Jim Gerst, Information Technology Management System, FBI CJIS Division, briefed the Council on the current status of system operations/maintenance and proposed upgrades. Recently, CJIS upgraded and changed to IP connectivity for the interface between NLETS and National Crime Information Center (NCIC). Software code is under development, and ahead of schedule, on the TCP/IP upgrade between III and NLETS; the ITN bypass is under development. Mr. Gerst also mentioned that once the TCP/IP is operational with NLETS, CJIS will begin collecting statistics on how quickly the states responses are routed back through NLETS to III. If the response is timely, CJIS may hold the submission results (SRE) in queue until the NFF state portion of the rap sheet is received, append it to the FBI rap sheet, and forward one complete electronic response. It is anticipated that a time table for the system enhancement will be available by the fall of 2002.

Compact Council Action: *Lt. Cliff Daimler made a motion to accept the Standards Committee recommendations as reported by Lt. Col. Harmon. The motion was seconded by Mr. Terry Hoil. The motion carried.*

Topic #5 Proposed Amendments to the Bylaws for the National Crime Prevention Privacy Compact Council

The topic was presented by Mr. Paul Heppner as sponsor of the proposed amendments to the Compact Council's Bylaws. As per the Council Bylaws, the proposed amendments were communicated to the Council 30 days in advance of the meeting. It was noted that the majority of the proposed changes were suggested as matters of clarification and were consistent with the

administration of Council business. Substantive changes were proposed to Section 7.3 - Term of Officers and Section 8.7 - Open Sessions.

Compact Council Action: Mr. Bill Casey made a motion to adopt all the proposed changes to the Bylaws except those in Section 7.3 and Section 8.7. The motion was seconded by Major Mark Huguley. The motion carried.

Compact Council Action: Mr. Rusty Featherstone made a motion to amend Section 7.3 and Section 8.7 of the Bylaws to the following:

7.3 TERM OF OFFICERS

~~The Chairman and Vice Chairman of the Compact Council shall serve two-year terms. They may each be reelected to only one additional two-year term.~~ **[The term of the officers shall be two years in duration. An officer may not serve more than two terms consecutively in an elected capacity the same office.]**

8.7 OPEN SESSIONS

Meetings of the Compact Council shall be in open session. Meetings shall be open to the public on a first-come, first seated basis. Any member of the public may file a written statement concerning matters related to the concerns and activities of the Compact Council. Anyone wishing to address a session of a Compact Council meeting should notify the FBI's Compact officer at least 24 hours prior to the start of the session. The notification should contain the requestor's name and corporate designation, consumer affiliation, or government designation, along with a short statement describing the topic to be addressed, and the time needed for the presentation. **[Vendors will not be permitted to promote products or make sales presentations while the Council meeting is in open session without the approval of the Chairman.]** The Chairman of the Compact Council shall have the discretion whether or not to recognize a requestor, who has provided the proper notification, as a speaker at a Compact Council meeting. Requestors shall ordinarily be allowed not more than 15 minutes to present a topic. Notifications and inquiries shall be addressed to: FBI Compact Officer, FBI, CJIS Division, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306-0145, telephone (304) 625-2000.

The motion was seconded by Lt. Col. Marjorie Kolpa. The motion carried.

Topic #7 Legislative Update/Review

Mr. Danny Moyer presented to the Council several areas of interest regarding legislative activity (See Attachment 10 for handout provided). He mentioned the DeWine and Biden competing bills to amend the Volunteers for Children's Act (VCA) were introduced during the 106th session of Congress. He next discussed legislative matters related to National Instant Criminal Background Check System and the Port and Maritime Security Act of 2001. Lastly, he

mentioned the Port Security and Visa Reform Act of 2001, which would significantly increase fingerprint submissions to CJIS.

Mr. Bobby Hamil, FBI CJIS, provided an update on the USA Patriot Act of 2001. A brief summary of the sections relevant to the CJIS Division are as follows: Section 403 - the FBI will provide the U. S. Department of State and the INS extracts from NCIC files as agreed upon by the agencies; Section 1012 of Public Law 107-56 requires the backgrounding of HAZMAT-endorsed commercial driver licensees (CDL). At the present time, U.S. Department Of Transportation (DOT) estimates a workload of 800,000 to a million Hazmat CDL background checks a year. This estimate could be much higher depending on how many companies issuing CDL's requests a Hazmat endorsement for all commercial driver's license holders as extra security. The specifics for implementing this federal statute are being determined; it is uncertain whether the fingerprints will be submitted through the state identification bureau or through a federal channeling agent.

Chairman Rehmann stated Hazmat checks are a major workload issue for the states. No provisions have been made for the collection of fingerprints and how the prints are going to be transmitted to the FBI. He stated that it is an erroneous assumption that all state repositories and local law enforcement will be able to handle the fingerprinting for Hazmat CDLs. Chairman Rehmann urged the FBI to relay this information to the DOT. FBI Assistant Director Michael Kirkpatrick suggested that Chairman Rehmann communicate the Council's concerns in a letter to the Department of Transportation. Mr. Frank Campbell suggested that DOJ's Office of Intergovernmental Affairs could facilitate a meeting of DOT and Council representatives.

Compact Council Action: Mr. Bill Casey made a motion that the Compact Council Chairman write a letter requesting a meeting with the Department of Justice and the Department of Transportation to express the Council's concern about the implementation of the USA Patriot Act regarding HAZMAT driver's licenses. The motion was seconded by Mr. Rusty Featherstone. The motion carried.

Mr. Hamil next briefed the Council on the Section 113 of the Aviation and Transportation Security Act, Public Law 107-71. The statute mandates that prior to the commencement of training, the Attorney General be provided notice of the intent to take flight training by (1) aliens and any other individual specified by the Under Secretary of Transportation for Security if (2) the aircraft has a maximum certificated takeoff weight of 12,500 pounds or more. This notice to the Attorney General triggers a 45 day period during which to investigate and prevent training if the student poses a risk to national security or aviation; if the Attorney General does not notify the flight school/instructor that the student is objectionable, the training may commence. Training may be interrupted or terminated upon subsequent notification by the Attorney General.

Mr. Gary Cooper, SEARCH, briefed the Council in regards to amendments to the VCA, based upon competing legislation from Senators Biden and DeWine. Mr. Cooper articulated that the DeWine proposed bill includes a check of state records and would provide the highest quality background check. The Biden proposed bill provides a totally different perspective and sets up a

National Center which utilizes only the FBI database and does not include a check of state records. The Biden bill provides for appropriations to offset the costs. The DeWine amendment provides for grants, available to states to assist in offsetting some of the costs. Mr. Cooper mentioned there may be an attempt to compromise or combine the two bills in some fashion.

After reviewing and discussing the Biden and DeWine bills, it was suggested that the topic be tabled until the following day. Lt. Col. Harmon would prepare a list of important principals regarding the implementation of the VCA.

Meeting Reconvened

Chairman Rehmann reconvened the meeting of the Compact Council at 9:00 a.m. on Wednesday, May 9, 2002. The Council continued the previous days discussion on the proposed amendments to the VCA. Rather than exclusively supporting one of the bills, the Council could communicate its support of the principles considered essential to the background process. The identified principals were issue of fingerprints, the time frame involved, the fitness determination or the screening, the standards and the fee provisions for the background check. The Council debated potential areas of compromise between the two competing bills.

The Council reaffirmed the background checks processed under the NCPA/VCA should be fingerprint based. The two bills provide a substantial difference in the time frame for return of the response to the background check. The Biden bill specifies return of the record response within 15 days; whereas, the DeWine bill specifies the state must make a reasonable effort to return the record in 15 days. A compromise could be if the state is unable to provide the records in an efficient and effective manner and within the prescribed time frame, then the qualified entities could opt to go to the National Center for the VCA check. The Council supported the development of model standards for fitness determinations, and endorsed the concept of a committee to develop the model standards and be comprised of representatives from the public, private, not for profit qualified entities, and state and federal agencies experienced in background screening. The Council also supported flexibility that would accommodate record screening by either the qualified entity, the authorized entity, or the national center. The Council advocated that provisions to offset the cost of processing the background checks must be included in either appropriations, grants or the ability for the state/federal government to charge a processing fee. The Council further supported limiting the processing fee as stipulated in the current law, or the maximum of \$18 or actual processing cost, whichever is less.

After much discussion, the Council members agreed that the Chairman should communicate the Council position to the two senators.

Compact Council Action: Mr. Rusty Featherstone made a motion that the Compact Council Chairman write a letter to Senator Biden and Senator DeWine reaffirming the Council's position in supporting the principles in the DeWine bill. The letter will also state the Council is supportive of working towards a compromise and would agree to meet and discuss the issue with the Senator's staff. A copy of this letter will be provided to the FBI, the Attorney

General, and SEARCH. The motion was seconded by Mr. Paul Heppner. The motion carried.

Topic # 8 CFR Ad Hoc Committee Report on Privatization

Chairman Rehmann introduced this topic. In January 2002 an Ad Hoc Committee was formed to look at the issue of privatization or outsourcing of noncriminal justice functions. The committee spent a tremendous amount of time and effort in researching the issue and developing a proposal that would not only meet the Council's needs but that could also be used by the FBI and the APB.

Mr. Robert McKeever, Maryland Department of Public Safety, provided the report from the CFR Ad Hoc committee. The proposal the committee presented would allow the outsourcing of a noncriminal justice function to a third party contractor(s), pursuant to a contractual agreement with specific management controls, with a state or federal governmental entity for noncriminal justice purposes as authorized by federal statute, federal executive order, or a state statute that has been approved by the Attorney General. The contractual agreement must incorporate the Compact Council's approved minimum requirements into a security addendum, which shall specifically authorize access to criminal history record information; limit the use of the information to the purposes for which it is provided, prohibit unauthorized retention and/or redissemination of the information; ensure the security and confidentiality of the information consistent with these regulations, provide for sanctions, and contain such other provisions as the Compact Council may require.

After much discussion from Council members, consensus was not reached on the appropriate entity (government or authorized recipient of CHRI) responsible for audit and contractual oversight. Therefore, this topic was referred back to the committee for further consideration. The Ad Hoc Committee will attempt to meet at the June APB meeting in Chicago, Illinois. Members of the CJIS Audit staff, CJIS legal staff, and selected APB members were requested to be in attendance.

Executive Assistant Director Kathleen McChesney

Ms. Kathleen McChesney, Executive Assistant Director of the FBI, made a brief appearance at the Council meeting. She greeted Council members and introduced herself, representing the Director of the FBI as head of law enforcement services. Ms. McChesney, on behalf of the Director, thanked the Council for dealing with very difficult issues that are of great importance to this country. Ms. McChesney further recognized the Council role and the difficult balance of protecting privacy rights while protecting those such as the children, elderly and the disabled.

Topic #6 Status Report on the National Fingerprint Based Applicant Check Study

Mr. Gary Barron, FBI CJIS Division presented this topic (See Attachment 11). Mr. Barron identified two prototypes on display which demonstrated the fingerprint and data capture process used in the Ohio Webcheck portion of the National Fingerprint Based Applicant

Check Study (NFACS). He also thanked Mr. Mike Powers and Ms. Jane Kilgore, Ohio Bureau of Criminal Investigation for participating in the project. Mr. Gary Williams, FBI CJIS Division, was also recognized as the NFACS project manager.

The creation of N-FACS came in support of the III Name Check Efficacy Study; recommendations from the Public Safety Strategy Subcommittee, and input from the Compact Council. In an effort to proactively provide better customer service, CJIS assembled a team to conduct the N-FACS. The mission identified was to conduct a study and produce a final report exploring the feasibility of fielding a national, rapid, and positive fingerprint-based identification background check system for authorized noncriminal justice purposes. The N-FACS utilizes flat fingerprint capture methodology as the cornerstone of the study. Four identified components of the study are: 1.) The Ohio WebCheck Pilot, 2.) The Texas Flat Fingerprint Initiative, 3.) Internal FBI testing, and 4.) NIST testing. A fifth component is evaluating the impact of flat fingerprints to the latent community. Two goals of the Pilot are to 1.) Analyze the search of flat fingerprint impressions against a large rolled fingerprint repository, and 2.) Develop a better understanding of the system requirements, time frame, and costs required to implement this capability on a larger scale. All the information gathered from the Ohio Pilot, Texas Pilot, and additional testing will be compiled in a final report and submitted to the APB and Compact Council for review and recommendations.

Next, Mr. Mike Powers gave an update on the Ohio WebCheck Pilot (See Attachment 12). The final concept of operations for the pilot now includes the capture of ten flats instead of four. The prints will be searched against the national database but no retention of the fingerprints will occur. The standard user fee rates apply to fingerprints submitted with the project.

One of the changes made in Ohio's test procedures is the capability to conduct two searches against their state AFIS, using both a four finger and a ten finger search. This will provide additional data and allow a comparison on the accuracy of each state search. Prototypes have been accepted from Cross Match and Cogent/Heimann.

The testing requirements are being defined to allow for the comparison of the flat to rolled, and the accuracy of four fingers versus the ten finger searches. Approximately 100 prototypes will be deployed throughout the state to collect test data for a period of six to twelve months.

Topic #9 Status Update on Modifications to 28 CFR Part 20 Subpart B

Ms. Cathy Morrison, Interim FBI Compact Officer, briefed the Council on the status of modifications to 28 CFR, Part 20, Subpart B. In May of 2001, Mr. Bob McKeever briefed the Council on an apparent ambiguity in the language in 28 CFR Part 20, specifically between Subparts B and C. As a result of those discussions, the Council Chairman communicated with the Bureau of Justice Statistics (BJS) requesting consideration be given to amend the language in the CFR to resolve the ambiguity. In November, 2001, Chairman Rehmann received a response from BJS indicating that they were considering the request and if regulations were redrafted, a courtesy copy of the proposed changes would be provided to the Council (See Attachment 13).

Ms. Morrison mentioned the revisions were drafted and the proposed rule should be published in the Federal Register in the future.

Topic #10 Sanctions Committee Report

Chairman Rehmann mentioned that Ms. Donna Uzzell, Chair of the Sanctions Committee was not in attendance; therefore, further discussion on the sanctions process was postponed. The Sanctions committee will plan to meet in the near future and discuss the sanctions process at that time.

Additional Agenda Items

Chairman Rehmann provided the Council a letter in response to CJIS commentary on the draft "Safer Nation" proposal distributed at the January meeting (See Attachment 14). Chairman Rehmann requested Council members prepare and forward comments on the draft document to Cathy Morrison before July 1. The comments will provide guidance to allow the Standards Committee to develop a functional working document. If no comments are received, the assumption will be that the Council is in agreement with the substantive ideas outlined in the proposed draft. One concern raised thus far on the document was the need to incorporate supporting documentation in the text. Consequently, Chairman Rehmann asked Mr. Owen Greenspan to survey state repositories about plans to utilize new technology (livescan).

Next, Mr. Gary Barron advised the Council of a survey placed on LEO from the IAFIS Interface Evaluation Task Force (IETF). This survey will be used to determine additional data elements which may be incorporated into the fingerprint rapsheet or submission results. He encouraged Council members to provide input to the IETF via the survey (see Attachment 15).

Preliminary discussions have taken place with the FBI, SEARCH, and BJS regarding hosting a symposium, in support of one of the goals and objectives identified in the Council's strategic plan. Possibly this symposium will be held in conjunction with the fall Council meeting. The symposium will primarily focus on explaining the Compact, the Council, and the advantages of becoming a Compact signatory. Additional information regarding the symposium will be forwarded to Council members at a later date.

The meeting was adjourned at 3:15 p.m.